

REMARKS

The rejections presented in the Office Action dated January 27, 2006 have been considered. Claims 1-6 and 8-10, and 12-17 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

The Office Action fails to establish that claims 1-6, 8-10, and 12-17 are unpatentable under 35 USC §103(a) over "Tsiounis" (U.S. Patent Pub. No. 2001/0039535 to Tsiounis et al.) in view of "Moreau" (U.S. Patent Pub. No. 2002/0069166 to Moreau et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references and fails to provide a proper motivation for modifying the teachings of Tsiounis with teachings of Moreau.

The limitations of the claims are not shown to be suggested by the Tsiounis-Moreau combination. For example, the independent claims include limitations of each data communications device configured to transmit the payment requests via a communication channel of one of a plurality of protocol types, wherein each protocol type is different from others of the plurality of protocol types. The cited sections of Tsiounis do not appear to teach these limitations.

In the cited Abstract and paragraphs [0007], [0008], and [0023] – [0069], Tsiounis does not appear to describe a plurality of different communication channel protocols. Since a wide range of text from Tsiounis has been cited without recitation of any specific elements of Tsiounis, and there are no apparent corresponding elements, further explanation is respectfully requested. Applicant respectfully requests recitation of those elements of Tsiounis believed to correspond to the claimed plurality of communication channel protocols that are different from one another and used by the plurality of communication devices.

The Office Action acknowledges that Tsiounis does not teach a plurality of adapter modules, each compatible with one of the of the plurality of protocol types. Thus, there is no apparent reason for Tsiounis to teach a plurality of communication channel protocols since, as the Office Action acknowledges, Tsiounis does not have a plurality of adapter modules for handling the different protocols.

The Office Action alleges that Moreau teaches the claim limitations that are acknowledged to be not shown by Tsiounis. However, the cited paragraphs of Moreau describe merchants participating in a payment network and the merchants having Merchant IDs. There is no apparent indication, however, that there are a plurality of adapters for handling a plurality of different communication channel protocols. Nor does the Office Action recite any specific elements of Moreau as corresponding to a plurality of adapters for handling a plurality of different communication channel protocols. If the rejection is maintained, an explanation is respectfully requested as to those elements of Moreau believed to correspond to these claim limitations. Otherwise, the rejection should be withdrawn.

The alleged motivation for combining Moreau with Tsiounis is unsupported by evidence and improper. The alleged motivation is "to facilitate the buying and selling of products and services." The Office Action does not present any evidence that Tsiounis alone does not already adequately facilitate the buying and selling of products and services. Nor is there any evidence presented that demonstrates that Tsiounis is deficient in facilitating the buying and selling of products and services. Therefore, the alleged motivation is improper.

Independent claims 1, 10, 14, and 15 include the limitations discussed above, and claims 2-6, 8-9, 12-13, and 16-17 depend from the independent claims and include further limitations that refine the limitations of the independent claims. Therefore, the rejection of claims 1-6, 8-10, and 12-17 should be withdrawn because a *prima facie* case of obviousness has not been established.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.080PA).

Respectfully submitted,

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